

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Brief September 19, 2001

SANDRA KRUG v. JEAN E. WAHL

Appeal from the Chancery Court for Sevier County
No. 97-9-245 Telford E. Forgety, Jr., Chancellor

FILED OCTOBER 29, 2001

No. E2000-02959-COA-R3-CV

This is an appeal from the Trial Court's refusal to set aside a judgment rendered in Oklahoma which Plaintiff Sandra Krug petitions to have registered on the ground that the Defendant, Jean E. Wahl, was never served with process in connection with the Oklahoma proceedings. Because there is no transcript of the hearing below, we must conclusively presume that the evidence supported the determination of the Trial Court. We affirm

**Tenn.R.App.P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed;
Cause Remanded**

HOUSTON M. GODDARD, P.J., delivered the opinion of the court, in which HERSCHEL P. FRANKS and CHARLES D. SUSANO, JR., JJ., joined.

Jean E. Wahl, Seymour, Tennessee, Appellant, *Pro Se*

No brief was filed for the Appellee, Sandra Krug

OPINION

The origin of this appeal was a petition for registration of a foreign judgment from the State of Oklahoma pursuant to T.C.A. 26-6-104 --106, filed by Sandra Krug against Jean Engler Wahl. Ms. Wahl filed a motion to set aside the Oklahoma judgment on the ground that she had never been served with process in the State of Oklahoma, which contradicted the return of the summons server who attested that he had personally served her.

The Trial Court, after reciting "upon a full hearing," denied Ms. Wahl's motion resulting in this appeal wherein she continues her assertion that she was never served with process.

We cannot reach the merits of this case because we do not have before us a transcript or statement of evidence that was introduced at the hearing before the Chancellor. In such cases it is

conclusively presumed that the evidence adduced supported the determination of the trial court. In re Rockwell, 673 S.W.2d 512 (Tenn. Ct. App. 1983).

For the foregoing reasons the judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against Ms. Wahl.

HOUSTON M. GODDARD, PRESIDING JUDGE